

Application Serial No.: 09/711,362
Reply to Office Action dated September 1, 2006

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1 and 3-20 are presently active in this case, Claims 1, 3, 4 and 11 having been amended by way of the present Amendment. Claims 2 and 21-36 have been canceled without prejudice or disclaimer.

The subject matter of Claim 2 has been incorporated into independent base Claim 1. Thus, no new matter has been entered. The Applicants respectfully request the entry of the amendments set forth herein as they are believed to place the application into condition for allowance, or in better condition for appeal.

In the outstanding Official Action, Claims 1-7, 10-12, and 19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bassereau (U.S. Patent No. 2,446,403). Claims 1-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over the Tejima et al. reference (JP 9-248549) in view of the Bassereau reference. For the reasons discussed below, the Applicants request the withdrawal of the obviousness rejections.

The basic requirements for establishing a *prima facie* case of obviousness as set forth in MPEP 2143 include (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings, (2) there must be a reasonable expectation of success, and (3) the reference (or references when combined) must teach or suggest all of the claim limitations. The Applicants respectfully submit that a *prima facie*

case of obviousness has not been established in the present case because the references, either when taken singularly or in combination, fail to teach or suggest all of the claim limitations recited in independent Claim 1 of the present application.

In addition to the previously submitted arguments in support of Claim 1, the Applicants further submit that the Bassereau reference and the Tejima et al. reference, either when taken singularly or in combination, do not disclose or suggest a tube having a second opening on an end of the tube and a third opening on the tube, and an exhaust system for exhausting a first hermetic chamber via the second opening and the third opening of the tube when the tube is inserted into a first opening of the first hermetic chamber, as recited in Claim 1 of the present application.

The Official Action cites outlet (7a) of the Bassereau reference for the teaching of the exhaust system of the present invention. (See discussion of previously pending Claim 2 on page 4 of the Official Action.) Firstly, the Applicants note that the recited exhaust system is recited as being for (i) exhausting a first hermetic chamber (ii) via the second opening and the third opening of the tube (iii) when the tube is inserted into a first opening of the first hermetic chamber. Clearly, the outlet (7a) is not the recited second or third openings, since the outlet (7a) is not on the condenser (4a), which is cited for the teaching of the tube of the claimed invention. Furthermore, the Applicants respectfully submit, for the reasons set forth below, that the Bassereau reference does not disclose or even suggest an exhaust system having the above features, as expressly recited in amended Claim 1.

The apparatus of the Bassereau reference includes a furnace (1), a condenser (4a), a

hood (5), and an auxiliary chamber (7) connected to the hood (5) in a fluid-tight manner by connecting means (8) or separated from one another by sealing chamber (7) using closure plate (9). (Column 3, line 61, through column 4, line 8.) The condenser (4a) has an opening (4c) for permitting the pressure within and outside the condenser (4a) to be balanced at all times. (Column 2, lines 49-55, and column 4, lines 30-33.) The chamber (7) is described as having an outlet (7a) that permits the chamber (7) and the chambers conjoined to be evacuated.

The Official Action cites the furnace (1) for the teaching of the first hermetic chamber, the condenser (4a) for the teaching of the tube, opening (4c) for the teaching of the third opening of the tube, and outlet (7a) for the teaching of the exhaust system. However, the Bassereau reference does not disclose that the outlet (7a) can be or is used to exhaust the furnace (1) via opening (4c) when the condenser (4a) is inserted in the furnace (1). The condenser (4a) is provided within the opening of the furnace (1) during processing, and the Bassereau reference teaches that the system is in a vacuum state for processing and that the condenser (4a) is maintained in that vacuum state even after being removed from the furnace (1). (See, e.g., column 1, lines 50-53, and column 2, lines 49-55.) The Bassereau reference does not discuss when or even if the system is exhausted, and no suggestion is provided therein of exhaust flowing from the furnace (1) out of the system via opening (4c). The Bassereau reference does not disclose or suggest inserting the condenser (4a) within the opening of the furnace (1), and then exhausting the furnace (1) via opening (4c). The opening (4c) on the condenser (4a) is merely described as equalizing the pressure between the

outside and the inside of the condenser (4a) to prevent the condenser (4a) from being subjected to pressure forces. (Column 2, lines 49-55.)

The Bassereau reference indicates that the condenser (4a) is present within the opening of the furnace (1) during processing, and since the furnace, the auxiliary chamber, and the condenser (4a) are all described as being in a vacuum state during this time, then there is no way that the opening (4c) is or can be used as part of an exhaust system for exhausting the furnace in this configuration.

With respect to the discussion of outlet (7a) in the Bassereau reference, the outlet (7a) is described as permitting the chamber (7) and the conjoined chambers to be evacuated, but these chambers do not include the condenser (4a).

Thus, the Applicants submit that a *prima facie* case of obviousness has not been established with respect to Claim 1 based on the teachings of the Bassereau reference, since the Bassereau reference does not disclose or suggest an exhaust system for exhausting a first hermetic chamber via the second opening and the third opening of the tube when the tube is inserted into a first opening of the first hermetic chamber, as recited in Claim 1 of the present application. Accordingly, the Applicants respectfully request the withdrawal of the obviousness rejection of Claim 1 based on the Bassereau reference.

With regard to the obviousness rejection based on the combination of the Tejima et al. reference and the Bassereau reference, the Applicants submit that the Tejima et al. also does not disclose or suggest an exhaust system for exhausting a first hermetic chamber via the second opening and the third opening of the tube when the tube is inserted into a first opening

of the first hermetic chamber, as recited in Claim 1. In fact, the Official Action acknowledges on page 6, that the Tejima et al. reference does not disclose or suggest the claimed tube structure, and thus does not disclose a tube capable of inserting into the first opening, the tube having a second opening and a third opening, or an exhaust system that exhausts a first hermetic chamber via the second opening and the third opening of the tube when the tube is inserted within the first opening. Thus, the Tejima et al. reference clearly fails to supplement the deficiencies noted above in the teachings of the Bassereau reference.

Thus, the Applicants submit that a *prima facie* case of obviousness has not been established with respect to Claim 1 based on the combined teachings of the Tejima et al. reference and the Bassereau reference, since these references, either when taken singularly or in combination, do not disclose or suggest an exhaust system for exhausting a first hermetic chamber via the second opening and the third opening of the tube when the tube is inserted into a first opening of the first hermetic chamber, as recited in Claim 1 of the present application. Accordingly, the Applicants respectfully request the withdrawal of the obviousness rejection of Claim 1 based on the Tejima et al. reference in view of the Bassereau reference.

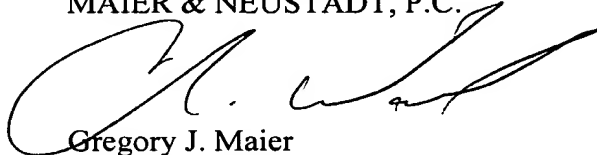
Accordingly, the Applicants respectfully request the reversal of the obviousness rejections of independent Claim 1, and Claims 3-20 that directly or indirectly depend therefrom.

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Consequently, in view of the above discussion, it is respectfully submitted that the present application is in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully Submitted,

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